

**SUBCHAPTER H: DISCHARGE TO SURFACE WATERS FROM
TREATMENT OF PETROLEUM FUEL CONTAMINATED WATERS**
§§321.131-321.138

The new sections are promulgated under the authority of the Texas Water Code, §§5.103, 5.105 and 5.120, which provide the commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state and to establish and approve all general policies of the Commission.

§321.131. Definitions.

The following words and terms used in this subchapter shall have the following meanings unless the context clearly indicates otherwise:

Aboveground storage tank (or AST) - A nonvehicular device (including any associated piping) that is made of nonearthen materials; located on or above the surface of the ground, or on or above the surface of the floor of a structure below ground, such as a mineworking, basement, or vault; and designed to contain an accumulation of petroleum substances.

Free product - Floating gasoline, diesel fuel, fuel oil, kerosene, and jet fuel which is floating on top of groundwater.

Gasoline - leaded or unleaded gasoline, all grades of aviation gasoline and all grades of gasohol.

Grab Sample - An individual sample collected in less than 15 minutes.

Groundwater pump test - Short term pumping of groundwater to determine physical characteristics of an aquifer.

Groundwater remediation - Treatment of contaminated groundwater to remove free product and to reduce or eliminate groundwater contamination.

Motor fuel - A petroleum substance which is typically used for the operation of internal combustion engines (including stationary engines and engines used in transportation vehicles and marine vessels), and which is one of the following types of fuels: leaded or unleaded gasoline, aviation gasoline, Number 1 diesel fuel, Number 2 diesel fuel, and any grades of gasohol.

Operator - Any person in control of or having responsibility for the daily operation of an aboveground or underground storage tank system, facility, pipeline or vessel.

Owner - Any person who currently holds legal possession or ownership of a total or partial interest in an aboveground storage tank (AST) or underground storage tank system (UST) or any person, individual, partnership, corporation, association, governmental unit, or public or private organization of any charter owning, operating or responsible for operating, or chartering by demise a vessel and or pipeline, owning, operating or responsible for operating a facility or operating a facility by lease, contract, or other form of agreement. For the purpose of the subchapter, where the actual ownership of an AST or UST system is either uncertain, unknown, or in dispute, the fee simple owner of the surface estate where the AST or UST is located shall be considered the AST or the UST system owner, unless the owner of the surface estate can demonstrate by appropriate documentation (deed reservation, invoice, bill of sale, etc.) or by other legally-acceptable means that the AST or the UST system is owned by others. "Other" does not include a person who holds an interest in an AST or UST system solely for financial security purposes unless, through foreclosure or other related actions, the

holder of such security interest has taken legal possession of the AST or UST system. Additionally, this definition does not include a person who owns only the land underlying a facility or a person who owns a security interest in a facility, pipeline or vessel if the person does not participate in the operation of the facility, pipeline or vessel, does not own a controlling interest in the owner or operator of the facility, pipeline or vessel and is not controlled by or under common ownership with the owner or operator of the facility, pipeline or vessel.

Petroleum fuel - Gasoline, diesel fuel, fuel oil, kerosene and jet fuel.

Petroleum Substance Contaminated Water Report - A form provided the responsible party or their agent by the executive director in response to the filing of a registration form to enable compliance with the reporting requirements of this subchapter.

Petroleum substance - A crude oil or any refined or unrefined fraction or derivative of crude oil which is liquid at standard conditions of temperature and pressure, and is limited to one or a combination of the substances or mixtures in the following list (except for any substance regulated as a hazardous waste under §335.1 of this title (relating to Definitions)).

(A) Basic petroleum substances - Crude oils, crude oil fractions, petroleum feedstocks, and petroleum fractions.

(B) Motor fuels - (see definition for "motor fuel" in this section.)

(C) Aviation gasolines - Grade 80, Grade 100, and Grade 100-LL.

(D) Aviation jet fuels - Jet A, Jet A-1, Jet B, JP-4, JP-5, and JP-8.

(E) Distillate fuel oils - No. 1-D, No. 1, No. 2-D, and No. 2.

(F) Residual fuel oils - No. 4-D, No. 4-light, No. 4, No. 5-light, No. 5-heavy, and No. 6.

(G) Gas-turbine fuel oils - Grade O-GT, Grade 1-GT, Grade 2-GT, Grade 3-GT, and Grade 4-GT.

(H) Illuminating oils - Kerosene, mineral seal oil, long-time burning oils, 300 oil, and mineral colza oil.

(I) Solvents - Stoddard solvent, petroleum spirits, mineral spirits, petroleum ether, varnish makers' and painters' naphthas, petroleum extender oils, and commercial hexane.

(J) Lubricants - Automotive and industrial lubricants.

(K) Building materials - Liquid asphalt and dust-laying oils.

(L) Insulating and waterproofing materials - Transformer oils and cable oils.

(M) Used oils - (See definition for "used oil" in this section.)

(N) Any other petroleum-based material having physical and chemical properties similar to the above materials and receiving approval by the executive director for designation as a petroleum substance.

(O) Examples of materials which are not petroleum substances include: aldehydes and ketones (e.g. acetone, methyl ethyl ketone); halogenated solvents (e.g. carbon tetrachloride, trichloroethylene), alcohols (e.g. methanol), phenols, nitrogen-containing compounds and transformer oils containing polychlorinated biphenyl compounds.

Tank tests - Integrity testing of above ground and/or underground storage tanks.

TNRCC - Texas Natural Resource Conservation Commission.

Underground storage tank - Any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is ten percent or more beneath the surface of the ground.

Underground storage tank system - An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary containment equipment (as applicable), and all other related systems and equipment.

Used oil - Any oil or similar petroleum substance that has been refined from crude oil, used for its designed or intended purposes, and contaminated as a result of such use by physical or chemical impurities; and including spent motor vehicle and aircraft lubricating oils (e.g. car and truck engine oil, transmission fluid, and brake fluid), spent industrial oils (e.g., compressor, turbine, bearing, hydraulic, metalworking, gear, electrical, and refrigerator oils), and spent industrial process oils.

Water in the state - Groundwater, percolating or otherwise, lakes, bays, ponds, impounded waters, springs, rivers, streams, creeks, wetlands, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

§321.132. Applicability.

(a) The purpose of this subchapter is to regulate by rule the surface discharge of water contaminated by a release of a petroleum substance into or adjacent to water in the state, within the statutory jurisdiction of the TNRCC to regulate and not otherwise prohibited elsewhere in the rules of the TNRCC, and;

(1) subject to the conditions of §321.133 of this title (relating to Discharge of Water Contaminated by Gasoline, Jet Fuel or Kerosene) or,

(2) subject to the conditions of §321.134 of this title (relating to Discharge of Water Contaminated by Other Petroleum Substances).

(b) TNRCC registration in accordance with §321.133 or §321.134 of this title is not required if one of the following conditions exists:

(1) free product is removed and the remaining contaminated water is routed to an existing TNRCC permitted wastewater treatment system capable of treating the wastes;

(2) petroleum substance contaminated water is land applied on-site with no runoff if:

(A) The volume to be land applied is 500 gallons or less during any quarter. However, the General and Specific conditions of §321.133 or §321.134 of this title, excluding notification of the TNRCC region office, monitoring/reporting requirements and any other condition not appropriate to the land application of petroleum substance contaminated water, shall apply to any discharge. The responsible party must be able to demonstrate that any discharge pursuant to this exclusion was compliant with discharge limits based on laboratory analysis or the petroleum substance contaminated water is treated by a properly operated and maintained system to produce a compliant effluent; and

(B) the discharge does not violate local ordinances;

(3) the discharge is drainage from a facility where preparation and implementation of a Spill Prevention Control and Counter-measure Plan is required pursuant to 40 Code of Federal Regulations, Part 112;

(4) the discharge is performed in accordance with §321.135 of this subchapter (relating to Telephone Utilities); or

(5) exempted by the executive director on a case-by-case basis.

(c) For discharges located in or within ten miles upstream of the Edwards Aquifer recharge zone as defined in Chapter 313 of this title (relating to Edwards Aquifer), the executive director may require a responsible party to obtain a permit or other authorization from the TNRCC for such a discharge, in accordance with §321.138 of this subchapter (relating to Reservation).

(d) An application for an emergency order, temporary order, or permit as provided by Chapter 305 of this title (relating to Consolidated Permits) must be submitted and the order or permit issued by the TNRCC either before water contaminated by any substance not regulated by this subchapter can be discharged or as an alternative to compliance with the requirements of this subchapter.

(e) Regardless of whether registration is required, no person may discharge water in excess of the limitations specified in this subchapter. Any discharge that does not comply with the applicable provision of this subchapter is subject to enforcement proceedings.

(f) A surface discharge may occur during groundwater pump tests, groundwater remediation, tank tests, on-site soil remediation activities, cleanup activities following the release of one or more

petroleum substances occurring during transport, removal of water from a tank previously containing a petroleum substance and/or other activities including the removal of petroleum substance contaminated water from groundwater wells, excavations and utility vaults, etc.

§321.133. Discharge of Water Contaminated by Gasoline, Jet Fuel or Kerosene.

(a) Registration. Except as provided in §321.132 of this title (relating to Applicability) and §321.135 of this title (relating to Telephone Utilities), a registration form must be submitted to the Watershed Management Division, TNRCC Austin office prior to discharge. Submittal of the registration form is acknowledgment that the responsible party or their agent has determined that the requirements of this subchapter are applicable to the proposed discharge, and that all requirements for discharge will be satisfied. Submittal of a registration form is sufficient notice to initiate discharge in accordance with this subchapter to include compliance with subsections (b) and (c) of this section.

(b) General Requirements for Discharge. Except as provided in §321.135 of this title (relating to Telephone Utilities), the following general requirements apply:

(1) The responsible party shall notify the appropriate TNRCC regional office at least 24 hours prior to initiating the discharge;

(2) There shall be no discharge of free product;

(3) Disposal of solid wastes shall be in accordance with Chapter 361 of the Texas Health & Safety Code;

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route;

(5) The responsible party shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TNRCC regional office that the discharge is presenting a hazard to the uses of the receiving water, the responsible party shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the Watershed Management Division, TNRCC Austin office and appropriate regional office as soon as possible but no later than 24 hours following their discovery. A written report shall be submitted to the TNRCC Austin and regional offices within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems with further discharge events; and

(6) Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food

fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

(c) Specific Requirements for Discharge. Except as provided in §321.135 of this title (relating to Telephone Utilities), the following specific requirements apply:

(1) Point of discharge.

(A) All surface discharges shall be to a splash pad to aerate the treated water;
and

(B) The rate of discharge shall be controlled to prevent flooding and erosion.

(2) Effluent limitations and monitoring requirements.

(A) The following maximum effluent limitations and minimum monitoring requirements apply to the discharge of petroleum substance contaminated water:

Parameter	Limitation	Sample Type	Monitoring Frequency
Total Petroleum Hydrocarbons	15 mg/l	Grab	One/week (*1)
Total Lead	0.25 mg/l	Grab	One/week (*1)
Benzene	0.05 mg/l	Grab	One/week (*1)
Total BTEX (*2)	0.50 mg/l	Grab	One/week (*1)

(*1) The executive director may authorize a reduced monitoring frequency of twice/month upon request where demonstrated compliance with limitations has been maintained for a minimum of 6 months. If the responsible party fails to maintain compliance with discharge limits once a reduced monitoring frequency has been approved, the executive director may direct the responsible party to resume weekly monitoring.

(*2) Benzene, Toluene, Ethylbenzene, Total Xylene

(B) If the responsible party or their agent determines through sample collection and analysis that the wastewater is not contaminated with lead or lead compounds then such information shall be noted on the registration form and continued analysis for lead or lead compounds is not required;

(C) The pH of the discharge shall not be less than 6.0 nor greater than 9.0 standard units and shall be measured once per week by grab sample. The petroleum substance contaminated water report form does not require that pH be reported, however, records must be maintained to demonstrate compliance with this requirement;

(D) There shall be no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil;

(E) All samples shall be collected after any final treatment unit that may be used. All sample collection shall be conducted in accordance with the requirements of §319.11 of this title (relating to Sampling and Laboratory Test Methods); and

(F) Sample containers, holding times, preservation methods and the physical, chemical and microbiological analyses of effluent shall meet the requirements specified in regulations published in 40 Code of Federal Regulations Part 136 pursuant to the Federal Water Pollution Control Act, §304(g), and be conducted according to this federal regulation or the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(3) Reporting Requirements: All analytical results shall be reported to the Watershed Management Division, TNRCC Austin office using the "Petroleum Substance Contaminated Water Report" form provided by the executive director. Results of sampling activities shall be submitted to the TNRCC no later than the 20th day of the month following the discharge unless the discharge occurs one day per quarter based on the frequency of discharge noted on the registration form and reports for these discharges are due no later than the 20th day in the months of April, July, October, and January. Any report form reflecting that a discharge limit was exceeded must be accompanied by a report prepared in accordance with subparagraph (5) of subsection (b) of this section.

§321.134. Discharge of Water Contaminated by Other Petroleum Substances.

(a) Registration. Except as provided in §321.132 of this title (relating to Applicability) and §321.135 of this title (relating to Telephone Utilities), a registration form must be submitted to the Watershed Management Division, TNRCC Austin office. The registration form shall be submitted a minimum of 60 days prior to the expected date of discharge (except for (1) an emergency as defined in §305.23(a) of this title (relating to Emergency Orders) where the registration form may be submitted at any time but a discharge can not occur until approved by the executive director or designated representative as provided by this section or (2) water contaminated by a diesel release may be discharged upon the submission of the registration form less the following items but subject to the discharge limits and the monitoring/ reporting requirements of this section) and shall include:

(1) Analytical test results for Total Petroleum Hydrocarbons, Total Lead, Benzene, Total BTEX, Polynuclear Aromatic Hydrocarbons and pH.

(2) An original USGS Topographic map, and

(3) A written description of the discharge route. Submittal of the registration form (excluding diesel fuel contaminated water) does not constitute an authorization to discharge. The TNRCC will review requests for registration on a case-by-case basis and the agency may request additional information, including additional sampling and analytical data. Submittal of a registration form is acknowledgement that the responsible party or their agent has determined that the requirements of this subchapter are applicable to the proposed discharge, and that all criteria for discharge will be satisfied. If the registration is approved, the executive director or designated representative shall notify the responsible party or their agent in writing and this notification shall constitute an authorization to discharge wastewater. Requirements in addition to those listed in §321.134(c)(2)(A) of this title (relating to Specific Requirements for Discharge) may be specified on a case-by-case basis.

(b) General Requirements for Discharge. Except as provided in §321.135 of this title (relating to Telephone Utilities), the following general requirements apply:

(1) The responsible party or their agent upon receipt of approval to discharge and prior to the discharge shall notify the appropriate TNRCC regional office at least 24 hours prior to initiating the discharge;

(2) There shall be no discharge of free product;

(3) Disposal of solid wastes shall be in accordance with Chapter 361 of the Texas Health & Safety Code;

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route;

(5) The responsible party or their agent shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TNRCC regional office that the discharge is presenting a hazard to the uses of the receiving water, the responsible party or their agent shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the Watershed Management Division, TNRCC Austin office and the appropriate regional office as soon as possible but no later than 24 hours following their discovery. A written report shall be submitted to the TNRCC Austin and regional office within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems with further discharge events; and

(6) Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

(c) Specific Requirements for Discharge. Except as provided in §321.135 of this title (relating to Telephone Utilities), the following specific requirements apply:

(1) Point of discharge.

(A) All surface discharges shall be to a splash pad to aerate the treated water;
and

(B) The rate of discharge shall be controlled to prevent flooding and erosion.

(2) Effluent limitations and monitoring requirements.

(A) The following maximum effluent limitations and minimum monitoring requirements apply to the discharge of water:

Parameter Monitoring	Limitation	Sample	
		Type	Frequency
Total Petroleum Hydrocarbons One/week(*1)	15 mg/l	Grab	
Total Lead One/week(*1)	0.25 mg/l	Grab	
Benzene One/week(*1)	0.05 mg/l	Grab	
Total BTEX (*2) One/week(*1)	0.50 mg/l	Grab	
Polynuclear Aromatic Hydrocarbons (*3) One/month(*4)	0.01 mg/l	Grab	

(*1) The executive director may authorize a reduced monitoring frequency of twice/month upon request where demonstrated compliance with limitations has been maintained for a minimum of 6 months. If the responsible party fails to maintain compliance with discharge limits once a reduced monitoring frequency has been approved, the executive director may direct the responsible party to resume weekly monitoring.

(*2) Benzene, Toluene, Ethylbenzene, Total Xylene

(*3) Polynuclear Aromatic Hydrocarbons: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, pyrene.

(*4) The executive director may authorize a reduced monitoring frequency of once/three months upon request where demonstrated compliance with limitations has been maintained for a minimum of 6 months.

(B) If the responsible party or their agent determines through sample collection and analysis that the wastewater is not contaminated with lead or lead compounds then such information shall be noted on the registration form and continued analysis for lead or lead compounds is not required;

(C) The pH of the discharge shall not be less than 6.0 nor greater than 9.0 standard units and shall be measured once per week by grab sample. The petroleum substance contaminated water report form does not require that pH be reported, however, records must be maintained to demonstrate compliance with this requirement;

(D) There shall be no discharge of floating solids or visible foam in other than trace amounts, and no discharge of visible oil;

(E) Discharge of wastewater shall cease within 24 hours of the time that the responsible party or their agent learns that any one of the polynuclear aromatic hydrocarbons has been detected at a concentration of 0.01 mg/l or greater. A written report shall be provided to the TNRCC Austin and regional office within five working days. Discharge may not be resumed under the provisions of this subchapter without written authorization from the executive director. The executive director may require the responsible party to obtain a permit from the TNRCC for such a discharge;

(F) All samples shall be collected after any final treatment unit that may be used. All sample collection shall be conducted in accordance with the requirements of §319.11 of this title (pertaining to Sampling and Laboratory Test Methods); and

(G) Sample containers, holding times, preservation methods and the physical, chemical and microbiological analyses of effluent shall meet the requirements specified in regulations published in 40 Code of Federal Regulations Part 136 pursuant to the Federal Water Pollution Control Act, §304(g), and be conducted according to this federal regulation or the latest edition of "Standard Methods for the Examination of Water and Wastewater."

(3) Reporting Requirements: All analytical results shall be reported to the Watershed Management Division, TNRCC Austin office using the "Petroleum Substance Contaminated Water Report" form provided by the executive director. Results of sampling activities shall be submitted to the TNRCC no later than the 20th day of the month following the discharge unless the discharge occurs one day per quarter based on the frequency of discharge noted on the registration form and reports for these discharges are due no later than the 20th day in the months of April, July, October, and January. Any report form reflecting that a discharge limit was exceeded must be accompanied by a report prepared in accordance with subparagraph (5) of subsection (b) of this section.

§321.135. Telephone Utilities.

(a) Registration Not Required: Telephone utilities are exempt from registration pursuant to §321.133 and §321.134 of this title for the discharge of water contaminated by Gasoline, Jet Fuel, Kerosene or Diesel. The following general requirements apply to discharges from utility vaults:

(1) There shall be no discharge of free product. Free product shall be collected, reused, or disposed of in accordance with state law;

(2) If the responsible party or their agent detects the presence of any hydrocarbon vapors as indicated by standard explosimeter test, the responsible party or their agent shall air purge the

vault before discharging its contents. Following this initial air purging, the responsible party or their agent shall again perform a standard explosimeter test. If this second test reveals the presence of hydrocarbon vapors, the responsible party or their agent shall take a water sample and have a laboratory analysis made to determine whether the Benzene concentration is equal to or greater than 0.05 mg/l or the Total BTEX concentration is equal to or greater than 0.50 mg/l. If the analysis confirms an exceedance of the Benzene or BTEX concentration in the water, the entire contents of the utility vault may not be discharged under this subsection but must be disposed of in some other legal manner.

(3) Disposal of solid wastes shall be in accordance with Chapter 361 of the Texas Health and Safety Code;

(4) The discharge shall not cause any nuisance conditions to land owners along the discharge route;

(5) The responsible party or their agent shall take all steps necessary to prevent any adverse effect to human health or safety, or to the environment. Immediately upon the notification from the supervisor of the TNRCC regional office that the discharge is presenting a hazard to the uses of the receiving water, the responsible party or their agent shall terminate such discharges. The discharge shall cease immediately whenever problems associated with the discharge may endanger human health or safety, or the environment, and the problems shall be reported to the Watershed Management Division, TNRCC Austin office and appropriate regional office as soon as possible but no later than 24 hours following their discovery. A written report shall be submitted to the TNRCC Austin and regional office within five working days of the discovery of a problem. The report shall contain a description of the location; the exact date and time the problem was first identified; the potential danger to human health or safety, or to the environment; the immediate steps that were taken to correct the problem; steps planned and/or taken to mitigate any adverse effects; and plans to prevent the recurrence of similar problems with further discharge events; and

(6) Concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

(b) Registration Required: If concentrations of Benzene is 0.05 mg/l or greater and/or Total BTEX is equal to or greater than 0.50 mg/l, the telephone utility may elect to submit a registration in accordance with §321.133 or §321.134 of this title to discharge water contaminated by Gasoline, Jet Fuel, Kerosene or Diesel.

§321.136. Restrictions.

(a) This subchapter does not convey property rights of any sort and does not grant any exclusive privilege.

(b) The responsible party or their agent may not cause a discharge to a domestic sewage treatment plant and/or a separate storm sewer system without first obtaining the approval of the owner

of the sewage treatment plant and/or separate storm sewer system. Air emissions for any activity regulated by this subchapter must be in accordance with TNRCC air regulations.

§321.137. Enforcement.

If a responsible party or their agent fails to comply with the terms of this subchapter, the executive director may take enforcement action as provided by the Texas Water Code, and the rules of the TNRCC. Any penalty imposed or technical measures required by an order of the TNRCC for violation of this subchapter is not eligible for reimbursement from any fund administered by the TNRCC.

§321.138 Reservation.

The executive director may on a case by case basis, where conditions warrant, prohibit the discharge of petroleum substance contaminated water under this subchapter and require that the owner obtain an individual permit or seek other authorization to discharge from the TNRCC, or dispose of the water in some other legal manner. Additionally, the executive director may cancel, revoke or suspend authorization to discharge under this subchapter where the owner has discharged water in significant noncompliance of discharge limits, has had a history of noncompliance of discharge limits or has a history of failing to submit the petroleum substance contaminated water report within the time requirement specified in this subchapter.

Effective February 8, 1995